



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tina Rademacher, Frank Seibertz, Petra Brandt, Christian Von Falkenhausen
and Markus Krumme

Serial No. : 10/505,317 / Conf. No. 5171

Filed : I.A. date: 02/04/2003 / Priority date: 02/21/2002

Title : FILM-SHAPED OR WAFER-SHAPED PHARMACEUTICAL
PREPARATION WITH MASKED TASTE (**per Prelim. Amd.
mld. 8/20/2004**)

Examiner : _____ / Art Unit : 1615

Attorney Docket: RO0861US (#90568)

**LETTER RE ERRONEOUS ISSUANCE OF FILING RECEIPT AND
SUBMISSION OF "COMBINED DECLARATION AND POWER OF ATTORNEY"
WITH LATE FILING FEE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

04/26/2005 SHASSEN1 00000019 10505317
01 FC:1051 130.00 OP

Sir:

On April 6, 2005, a "Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (copy attached) was issued which resulted in the issuance of an official Filing Receipt (copy also attached) indicating a filing date of "08/20/2004" for this application. However, the sixth item of the Notice of Acceptance under the heading "The following items have been received," i.e., the "Oath or Declaration filed on 08/20/2004," actually had *not* yet been filed. In fact, a "Combined Declaration and Power of Attorney" with the requisite \$130.00 government fee is submitted herewith.

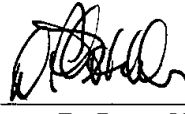
Further, the official Filing Receipt mailed 04/06/2005 contained errors in the listing of the inventors and the entry of the title. On April 13, 2005, our firm faxed the PTO a request for a corrected Filing Receipt and included copies of the *unsigned* "Combined Declaration and Power of Attorney" and the first sheet of the Assignment to support the proper inventor listing and included

copies of the relevant pages of the Preliminary Amendment to verify the proper title for the application. Apparently, due to timing and the fact that it was overlooked that the Declaration was unsigned, the official Filing Receipt was mailed April 6, 2005. Further, the issuance of the Filing Receipt would negate the issuance of a "Notification of Missing Requirements" and could have adversely affected the status of this application.

Accordingly, in view of the filing of the enclosed Combined Declaration and Power of Attorney (with the surcharge fee) we await a properly issued Filing Receipt.

Respectfully submitted,

By: _____



D. Peter Hochberg
Reg. No. 24,603

DPH/SM/ck
Enc.

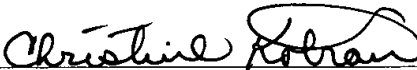
D. Peter Hochberg Co., L.P.A.
1940 E. 6th Street - 6TH Floor
Cleveland, Ohio 44114
Phone: (216) 771-3800
Fax: (216) 771-3804

e-mail: DPHDOCKET@aol.com

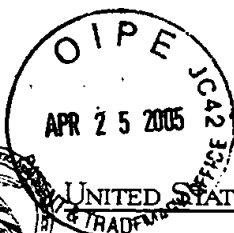
Certificate of Mailing

I hereby certify that this document, and anything indicated as being attached or enclosed, is being deposited with the United States Postal Service as First Class mail in an envelope addressed: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date noted below.

Christine Kotran: _____



Date: April 20, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/505,317	FIRST NAMED APPLICANT Tina Rademacher	ATTY. DOCKET NO. RO0861US(#90568)
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INTERNATIONAL APPLICATION NO. PCT/EP03/01052

I.A. FILING DATE 02/04/2003	PRIORITY DATE 02/21/2002
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D Peter Hochberg
 6th Floor
 1940 E 6th Street
 Cleveland, OH 44114-2294

CONFIRMATION NO. 5171

371 ACCEPTANCE LETTER



OC000000015640042

Date Mailed: 04/06/2005

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>08/20/2004</u>	<u>08/20/2004</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- o Copy of the International Application filed on 08/20/2004
- o Copy of the International Search Report filed on 08/20/2004
- o Copy of IPE Report filed on 08/20/2004
- o Preliminary Amendments filed on 08/20/2004
- o Information Disclosure Statements filed on 08/20/2004
- o Oath or Declaration filed on 08/20/2004
- o Request for Immediate Examination filed on 08/20/2004
- o Copy of references cited in ISR filed on 08/20/2004
- o U.S. Basic National Fees filed on 08/20/2004
- o Priority Documents filed on 08/20/2004

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

DEBORAH D WILLIAMS

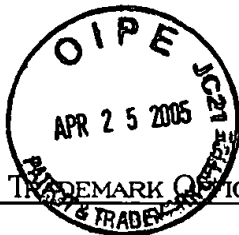
Telephone: (703) 308-9140 EXT 205

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/505,317	08/20/2004	1615	1208	RO0861US(#90568)		36	2

CONFIRMATION NO. 5171

D Peter Hochberg
 6th Floor
 1940 E 6th Street
 Cleveland, OH 44114-2294

FILING RECEIPT



OC000000015640041

Date Mailed: 04/06/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Tina Rademacher, Breisig, GERMANY;
 Christian Von Falkenhausen, Meckenheim, GERMANY;

Power of Attorney:

D Hochberg--24603

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP03/01052 02/04/2003

Foreign Applications

GERMANY 102-07-395.5 02/21/2002

Projected Publication Date: 07/14/2005

Non-Publication Request: No

Early Publication Request: No

Title

Taste-masked film-type or wafer-type medicinal preparation

Preliminary Class

514

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).